

March 8, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 8th day of March, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Fifth District	Fran Warner
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin V. Sansalone
Finance Director	Eileen Layman
Police Chief	Steve Shine
Building Inspector	Ken Fletcher
Public Works Director	Ron Miller
Fire Captain	Ed Simmons

IN RE: OPENING CEREMONIES

Pastor Roger Thrower gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Mainella.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on February 23, 2016.

Councilmember Warner moved to approve the minutes as submitted. The

motion was seconded by Councilmember Mason.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: 2016-2017 CITY BUDGETS: GENERAL FUND, PARKING FUND, COAL SEVERANCE AND OUTSIDE AGENCIES

Pursuant to a notice duly published in the Times-West Virginian on February 25, 2016 and March 3, 2016, a public hearing was convened to obtain citizen input on the 2016-2017 City Budgets.

The Mayor asked if anyone present desired to speak to the proposed budget.

ROBIN GOMEZ, City Manager, stated that a balanced budget was presented at a work session for FY 2017 and we have gone back through and made some changes that he shared with all of Council regarding the proposed salary increases. He went on to say that the document provided to Council shows a balance budget after having added a 3% increase to the base salary in the general fund and the parking fund. He noted that is what is before Council at this time.

EILEEN LAYMAN, Finance Director, spoke in favor of the proposed budget. She went over the changes to the general fund budget:

- 3% increases on the base salary for all employees in the amount of \$169,338.
- Changes in longevity pay which is backed up to give everyone a longevity at \$100 on their first anniversary rather than current two years.
- Removes the cap off the longevity. She noted that we have two employees currently who are beyond the cap of 35 years. The changes to the longevity will total approximately \$16,104.
- We have received the levy estimate and made changes to the revenue and the levy came in with a calculation of \$50,408 higher than what we had expected.
- The estimate for the TIF funds was actually a lot lower than what we had originally anticipated. She noted it came in at \$120,000. She said this was not in general fund but in its own fund.
- The net effect of the pay increases causes a deficit of \$135,034 in the general fund and we are covering that with a transfer from the

Stabilization Fund.

Councilmember Mason asked if Ms. Layman said deficit or decrease.

Ms. Layman said after making the cost increases, there would have been a deficit so we covered it with the transfer. She noted that there was no deficit.

Mr. Gomez said that it is a balanced budget for FY2017 revenues and expenditures. He said it balanced to equal, no deficit, no surplus as well.

There being no one else to speak, the public hearing was called to a close at 7:09 p.m.

COMMUNICATIONS WITH CITY MANAGER

IN RE: EMPLOYEE PAY INCREASES

Councilmember Mainella stated that he was happy to see this 3% pay raise. He said that we praise and thank our city employees who take care of us, plow the snow, keep us safe, keep the streets in good shape and he is very appreciative of that. He said that he is glad that we have the opportunity to do more than just say thank you to the employees.

Councilmember Weber said that he feels the same way about the employees and they deserve a pay raise. He said that he watched them over the winter and he really appreciates their work and sometimes a thank you is not enough. He noted that an increase in their salary is always more meaningful to them.

Councilmember Warner stated that she was more than happy to agree with the pay raise for our city employees.

Councilmember Moran thanked the City Manager and Finance Director for providing Council with so much documentation helping Council to make an informed decision on the proposed pay raises.

IN RE: STREET SWEEPING

Councilmember Weber said he still has concerns about the street sweeping. He then asked the City Attorney where we are on that issue.

Mr. Sansalone said that we are still in the process of trying to acquire a new

street sweeper. He believed that the old one is still broken down and we are definitely not going to buy the same one that we bought the last time that we were forced to buy.

RON MILLER, Public Works Director, stated that we are in the process of bidding out for a new sweeper. He said the Elgin that we have now is not up to our standards and has not been since we purchased it. He said that in the next two weeks, he is planning to move the afternoon shift to midnight shift in order to start the midnight street sweeping and cleaning up the sidewalks and the main corridors through the city. He then stated that the neighborhood sweeping will start the first of May.

Councilmember Mainella asked about the timeline for the new sweeper.

Mr. Miller said that it will be after July 1st. He noted that the sweeper will have to be bid out.

Councilmember Mainella asked if we actually have to bid it out.

Mr. Sansalone replied that it is in excess of \$25,000 that is required by our purchase procedures to bid and there is more than one vendor that would be able to submit a bid. He did not see any way that it would be possible to purchase one without bidding it out.

Councilmember Mainella asked if it was over \$100,000.

Mr. Miller said it was probably closer to \$250,000.

Mr. Sansalone said that it would be a formal bid and would take at least 120 days.

Councilmember Weber asked if there was any way to expedite that process.

The Mayor said this needs to be address to the City Manager.

Mr. Gomez said that we will look to see if we can and try to get it as soon as we possibly can but we are bound by the State purchasing.

The City Attorney said that we are obligated to follow the State procedures with regard to anything in excess of \$25,000.

Councilmember Mainella said that we will have to wait until the new fiscal year to do that.

Mr. Gomez said that we have already started the bidding process.

Mr. Sansalone said that if you buy it from the State contract, they have already taken care of the bidding process and you would buy what is available to you through that vendor. He noted that might not work in this instance without saying anything more.

Councilmember Mason asked if we could borrow one from another municipality.

Mr. Gomez said that we will look at any and all possible solutions including borrowing for a certain amount of time so we can get the streets cleaned up.

Mr. Miller noted that the crews have started to sweep the bridges and some of the sidewalks. He said that it usually takes him about four weeks on midnight shift just to clean up the main corridors and then it is an eleven week process to get through sweeping all of the city streets.

IN RE: SOUTHSIDE BRIDGE STREET LIGHTS

Councilmember Weber reported that the street lights were off on the Southside Bridge. He noted that it was pretty dark in that area.

Mr. Gomez said he will contact Mon Power in the morning.

IN RE: PIERPONT PRIDE WEEK

Councilmember Linger announced that this week is Pierpont Pride Week at Pierpont Community Technical College. He said they are celebrating the spirit of the school and there is an event being held on the Locust Avenue campus on Thursday, at 11:30 a.m. with a pizza party. He noted that they will also be unveiling the former President's portrait to hang in Hardway Hall with all of the other President's portraits.

IN RE: BUSINESS TO OPEN IN DOWNTOWN

Councilmember Linger reported that another occupant is getting ready to open a new restaurant in the former Chancey's location on Adams Street.

IN RE: CITY MANAGER COMMENDED

Councilmember Yann said he is passing this announcement on from a

resident in Fairmont. He said that a resident recently talked to him about some problems in his neighborhood and that the developer did not complete what they were supposed to do. He then told that resident to contact the City Manager. The resident called the Manager and got an appointment to see him that very same day. The resident call Councilmember Yann back and said that he could not believe it that everything was going to be taken care of and that the City Manager was on it right now. He then thanked the City Manager for helping this resident.

IN RE: JOHN MANCHIN HEALTH CARE CENTER

Councilmember Yann stated the State is trying to close the John Manchin Health Center in Fairmont and he encouraged everyone to sign the petition that is going around in order to keep that facility open.

Councilmember Weber said that Health Center is part of four centers throughout the State that the State listed basically for sale or for closure. He noted that it was extremely important to our citizens in Marion County, especially the senior citizens, to keep that facility open. He mentioned that they contribute the food to the seniors throughout the entire county and it is important that we try to keep that center open. He then encouraged everyone to contact their delegates to oppose this house bill in Charleston.

IN RE: BIRTHDAY WISHES TO FORMER MAYOR EARL STRAIGHT

Mayor Straight announced that his Father will be celebrating his 105th birthday tomorrow, March 9th. He asked everyone to keep him in their prayers. He noted that he was the first Mayor under this form of government.

CITIZENS PETITIONS

There were no citizen's petitions at this meeting.

CITY MANAGER'S REPORT

IN RE: PROPOSED PAY RAISES

Mr. Gomez said that nearly 200 bodies, if the pay increase goes through, will be extremely elated with how we decide how to proceed.

IN RE: BIRTHDAY WISHES TO FORMER MAYOR EARL STRAIGHT

Mr. Gomez extended birthday wishes to former Mayor Earl Straight on his 105th birthday.

IN RE: REPUBLIC SERVICES

Mr. Gomez said that he met with the operations management of Republic Services regarding our solid waste and recycling collections. He said that after the numerous apologies that they provided, they have assured and re-assured numerous times that they are more stable in their employment with drivers and with the management level to ensure that they will comply with our agreement for optimal timely trash and recycling collections. He said that he will ensure that they meet that agreement and that they do what they should be and, if not, he will let them know immediately upon finding out that they missed a collection.

IN RE: WV MOUNTAINEER EXPO

The City Manager reported that the West Virginia Mountaineer Expo will be held on Saturday, March 19th at the Marion County Courthouse.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE RIGHT OF WAY OF A PLATTED ALLEY SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN ALLEYWAY RUNNING WEST TO EAST FROM FAIRMONT AVENUE TO GASTON AVENUE BETWEEN 10TH STREET AND 11TH ADJACENT TO THOSE CERTAIN PARCELS OF REAL ESTATE IDENTIFIED AS PARCELS 2 AND 3 OF MARION COUNTY TAX MAP 03-06, OWNED BY FAIRMONT AVENUE PROPERTIES, LLC; RESERVING ALL UTILITY RIGHTS.

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the abandonment of a right of way running from Fairmont Avenue to Gaston Avenue between 10th Street and 11th Street.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Moran seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for March 22, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AUTHORIZING THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-INSURED SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT.

Mayor Straight entertained a motion and a second for the introduction of an ordinance authorizing the renewal of the letter of credit for the WV Workers Compensation Act issued by Wesbanco Bank to the City of Fairmont.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Yann seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for March 22, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**LOT 6 RHEA TERRACE (PARCEL 25 MAP 03-27); AND
BLK 3 LOT 3 RHEA TERRACE (PARCEL 28 MAP 03-27)**

FROM GORDON RALPHSNYDER; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS; AND TAKE DELIVERY OF A DEED FOR SAID PROPERTY ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION.

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the purchase of parcels on Rhea Terrace from Gordon Ralphsnyder to the City of Fairmont.

Motion:

Councilmember Mason moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Mainella seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

Councilmember Burdick noted that a map of the area was not included with the ordinance.

The City Attorney passed around a map that was included in his file for Council's viewing.

The Mayor declared the public hearing set for March 22, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1658 DULY ENACTED SEPTEMBER 8, 2015, TO CORRECT AN ERROR IN CODIFICATION IN THAT SAID ORDINANCE FAILED TO CITE THE PROVISIONS OF *CLEARZONING*®, THE CITY'S CODIFIED PLANNING AND ZONING CODE; SAVINGS CLAUSE.

Mayor Straight entertained a motion and a second for the introduction of an ordinance correcting an error in codification of the Clearzoning Code.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Moran seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for March 22, 2016 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION APPROVING THE CITY OF FAIRMONT'S FISCAL YEAR 2016-2017 CITY BUDGETS: GENERAL FUND, PARKING FUND, COAL SEVERANCE AND OUTSIDE AGENCIES.

Mayor Straight entertained a motion for the adoption of a resolution approving the City of Fairmont's Fiscal Year 2016-2017 City Budgets.

Motion:

Councilmember Mainella moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Weber.

The Clerk read the proposed resolution by synopsis for the first time.

Discussion:

Councilmember Mason wanted to clarify that the source of the funds have absolutely no impact on the budget for the salary increases from the 1% sales tax. He noted that there was no relationship between the two whatsoever. He said that we all want to make sure that the public does not think that we are giving raises after we increased our own taxes.

The Mayor declared the resolution adopted by unanimous vote of Council.

IN RE: ADOPTION, A RESOLUTION TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF MAY 10, 2016 TO MAY 11, 2016.

Mayor Straight entertained a motion for the adoption of a resolution to reschedule the Council meeting of May 10, 2016 to May 11, 2016 due to the Primary Election Day on May 10th being considered a legal holiday.

Motion:

Councilmember Weber moved for the adoption of the resolution. The motion was seconded by Councilmember Warner.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved at 7:47 p.m. to adjourn this meeting to Tuesday, April 19, 2016 at 4:30 p.m. in order to approve the Levy Rates. The motion was seconded by Councilmember Linger.

The Mayor declared the meeting adjourned until 4:30 p.m., Tuesday, April 19, 2016 by unanimous vote of Council.